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REQUEST FOR THE INCLUSION OF AN ITEM IN THE PROVISIONAL AGENDA OF THE FIFTY-FIRST SESSION

OBSERVER STATUS FOR THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION-INTERPOL IN THE GENERAL ASSEMBLY

Letter dated 13 June 1996 from the representatives of Chile, Egypt, Germany, Guinea, Italy, Japan, Pakistan, Sweden, the United Arab Emirates, the United Republic of Tanzania and the United States of America to the United Nations addressed to the Secretary-General

Acting on instructions from our respective Governments and in our capacity as representatives of States represented on the Executive Committee of the International Criminal Police Organization-Interpol (ICPO-Interpol), we have the honour to request, in conformity with rule 13 of the rules of procedure of the General Assembly, that the following item be included in the agenda of the fifty-first session of the General Assembly: "Observer status for the International Criminal Police Organization-Interpol in the General Assembly".

In conformity with rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (see annex), together with the text of a draft resolution on the subject (see appendix).

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ANNEX

Explanatory memorandum

I. THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION-INTERPOL: PRESENTATION, OBJECTIVES AND ACTIVITIES

The International Criminal Police Organization-Interpol (ICPO-Interpol) is an organization of international character in which 176 States are represented. It is an intergovernmental organization that fulfils the criteria for the granting of observer status with the General Assembly laid down in decision 49/426 of 9 December 1994.

The General Secretariat of ICPO-Interpol has been located in Lyons, France, since 1989. A Headquarters Agreement, which came into force on 14 February 1984, grants the organization privileges and immunities on French territory.

The organization's roots go back to the First International Criminal Police Congress, which was held in Monaco in 1914, and its existence became official in 1923, when it was established as the International Criminal Police Commission (ICPC). The Commission's headquarters were located in Vienna, Austria, and it was basically a European organization intended to facilitate international police cooperation and to keep records of international crime and criminals. ICPC functioned until the outbreak of the Second World War, when, to all intents and purposes, it ceased to exist, other than as an instrument of the Nazis.

In 1946, new statutes were adopted and the headquarters were transferred to Paris. In 1956, when it had more than 50 member States, it became the International Criminal Police Organization-Interpol with a new Constitution designed to respond better to the growing needs of international cooperation.

Interpol is therefore one of the oldest organizations of an international character and one of those with the largest number of members.

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The mission of the International Criminal Police Organization-Interpol is to combat international offences against ordinary criminal law while respecting human rights and the laws of its members. It is prohibited from taking any action in cases of a political, military, religious or racial nature. These obligations are specified in its Constitution.

Since 1984, the organization has had a Supervisory Board for the internal control of its archives which is composed of members who have all achieved distinction in their own fields. The Board verifies the pertinence and legitimacy of the information in the organization's archives, either on its own initiative or at the request of a national of a member State of ICPO-Interpol.

The permanent departments of ICPO-Interpol constitute the General Secretariat, which has approximately 330 officials. The General Secretariat

works closely with the National Central Bureaus (NCBs) to ensure the functioning of international police cooperation and implements the decisions and recommendations that emanate from the organization's two governing bodies, the Executive Committee and the General Assembly.

A National Central Bureau is a national body responsible for liaison with the other NCBs and with the General Secretariat; this is an original feature of the structure of Interpol.

* * *

International police cooperation within Interpol is based on the fundamental principles listed below:

- Respect for national sovereignty. Cooperation is based on actions taken by the police forces in the various member States operating within their own national boundaries and in accordance with their own national laws;

- Enforcement of ordinary criminal law. The organization's field of activity is limited to crime prevention and law enforcement in connection with ordinary criminal offences; this is the only basis on which there can be agreement between all members;

- Universality. Any member may cooperate with any other, and cooperation must not be impeded by geographic or linguistic factors (four working languages are used at the General Secretariat);

- Equality of all members. All member States are provided with the same services and have the same rights, irrespective of the size of their financial contributions to the organization;

- Extension of cooperation to other agencies. Cooperation is extended through the National Central Bureaus to any government agency concerned with combating ordinary criminal offences;

- Flexibility of working methods. Although governed by principles designed to ensure regularity and continuity, working methods are flexible enough to take into account the wide variety of structures and situations in different countries.

* * *

ICPO-Interpol, at the heart of the web of information exchanged between 176 countries, is in an exceptional position to fight crime. It has highly sophisticated computer systems and an equally advanced worldwide telecommunications network that makes it possible to transmit information from one continent to another in a matter of minutes and with absolute security. The information transmitted is often designed to bring about the provisional arrest of a criminal with a view to subsequent extradition.

The organization also has an analytical crime intelligence unit working on international crime and producing reports that are extremely useful in connection with offences such as money-laundering, where transnational movements are very difficult to trace. Finally, ICPO-Interpol cooperates on a day-to-day basis with many international organizations.

II. THE STATUS OF THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION-INTERPOL VIS-À-VIS THE INTERNATIONAL COMMUNITY

The International Criminal Police Organization-Interpol provides the machinery used by many countries both to transmit their requests for extradition (the European Convention on Extradition, signed in Paris in 1957) and for mutual assistance in criminal matters (European Convention on Mutual Assistance in Criminal Matters, signed at Strasbourg on 20 April 1959), and to combat various forms of crime, particularly drug trafficking (United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted in Vienna on 20 December 1988) and currency counterfeiting (1929 Geneva International Convention on the Suppression of Currency Counterfeiting, for which ICPO-Interpol acts as the central international office).

* * *

Also worthy of note are the close working relations the International Criminal Police Organization-Interpol maintains with the major international organizations.

In the forefront of these is the United Nations, whose Legal Counsel confirmed the status of ICPO-Interpol as an intergovernmental organization in a memorandum dated 14 December 1982.

On 20 May 1971, ICPO-Interpol and the Economic and Social Council concluded a special agreement, which provided for the sharing of information and documentation, for consultation and technical cooperation on matters of common interest, for the representation of each organization by observers at the other's meetings and for the possibility of each one submitting written statements to the other and proposing the inclusion of items on its agenda.

The special arrangement approved by the Economic and Social Council in its resolution 1579 (L) of 20 May 1981 provides for cooperation with the United Nations Secretariat and therefore constitutes - in the view of the United Nations Legal Counsel - a sufficient legal basis for cooperation with the United Nations Secretariat and the secretariats of subsidiary bodies, which gives the arrangement very wide scope.

ICPO-Interpol also concluded a wide-ranging cooperation agreement with the Council of Europe on 9 February 1960. This is reflected by both organizations' participation in many joint activities.

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It would probably be tedious to list all the intergovernmental and non-governmental organizations with which Interpol cooperates almost every day. However, by way of illustration, we might mention that these intergovernmental organizations include the World Customs Organization (WCO) for matters related to customs offences, particularly smuggling and drug trafficking, and non-governmental organizations include End Child Prostitution in Asian Tourism (ECPAT) on matters relating to child prostitution and sex tourism in Asia.

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Finally, in connection with the establishment of its various subregional bureaus, Interpol has concluded headquarters agreements with Thailand, Argentina, Côte d'Ivoire and Zimbabwe.

* * *

III. ADVANTAGES TO BE DERIVED FROM GRANTING THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION-INTERPOL OBSERVER STATUS IN THE GENERAL ASSEMBLY

When it met at Beijing from 4 to 10 October 1995 at its sixty-fourth session, the ICPO-Interpol General Assembly clearly expressed its wish to obtain observer status for the organization in the United Nations General Assembly. The reasons for this included "... the need to avoid any duplication of personnel, procedures and computer systems in the international fight against crime in order to prevent any unnecessary expenditure and diverging strategies ... and also ... the need to fight crime on a worldwide basis in order to prevent certain countries bound by regional agreements from feeling self-sufficient in the fight against crime ..." (resolution AGN/64/RES/11).

The attached list of joint or complementary activities carried on by the United Nations and Interpol on the basis of the Economic and Social Council special arrangement is an impressive one. It proves - if proof were needed - that the two organizations cooperate in practically all sectors relating to crime prevention and law enforcement.

And yet this list is, by its very nature, self-limiting, for it is difficult to see how such cooperation can be harmonized, reinforced or even extended without coordination at the very highest level.

In that connection, the following passage from a document issued at the World Ministerial Conference on Organized Transnational Crime, organized by the United Nations in Naples from 21 to 23 November 1994, is relevant:

> "It is important to build on the work of existing organizations, such as the International Criminal Police Organization-Interpol (ICPO-Interpol) and others, and to consolidate the very extensive but still ad hoc arrangements that currently exist for cooperation so as to consolidate these activities and achieve more effective and efficient outputs. Cooperative institutions and arrangements already in place include ICPO-Interpol, the Financial Action Task Force on Money Laundering set up by the

group of seven major industrialized countries, the Council of Europe, the European Union, the Schengen Group and the Commission on Crime Prevention and Criminal Justice. Contacts, coordination and cooperation among these bodies should be encouraged. In particular, it is of fundamental importance that all existing technical, bilateral and multilateral activities involving technical cooperation be well focused and that the means for coordinating such activities be studied in order to avoid overlapping" (item 6 of the provisional agenda, entitled "Most effective forms of international cooperation for the prevention and control of organized transnational crime at the investigative, prosecutorial and judicial levels") (E/CONF.88/4, para. 26).

We feel that a partial - but vital - response to these remarks lies in granting ICPO-Interpol observer status, which would enable both organizations to promote and strengthen the integration of their crime prevention efforts and to establish joint law enforcement policies, thus avoiding duplication or even contradiction in the definition of those policies. We are convinced that in their pursuit of their fundamental goals, both organizations will benefit.

For some time now, ICPO-Interpol has been engaged in a regionalization process, and it has decided to establish subregional bureaus in Asia, Africa and South America. The United Nations will undoubtedly find this development a help in attaining its international objectives, which it will be able to pursue more effectively at a regional level.

Moreover, participation of ICPO-Interpol in sessions of the General Assembly as an observer will help ICPO-Interpol achieve greater success in its mission, which is to fight international crime in all its forms, while upholding human rights.

APPENDIX

Draft resolution

Observer status for the International Criminal Police Organization-Interpol in the General Assembly

The General Assembly,

Considering the importance of the role and activities of the International Criminal Police Organization-Interpol in the fight against international transborder crime,

Considering the need that has often been expressed by the United Nations to coordinate, harmonize and strengthen that fight at the international level,

Recalling the discussions of the World Ministerial Conference on Organized Transnational Crime, organized by the United Nations in Naples from 21 to 23 November 1994, as well as the declarations made by various heads of State and Government at the fiftieth session of the General Assembly,

Desirous of promoting cooperation between the United Nations and the International Criminal Police Organization-Interpol,

Recalling its decision 49/426 of 9 December 1994,

1. Decides to invite the International Criminal Police Organization-Interpol to participate in the sessions and the work of the General Assembly in the capacity of observer;

2. Requests the Secretary-General to take the necessary action to implement the present resolution.

ENCLOSURE

Relationship of the International Criminal Police Organization-Interpol with United Nations bodies

United Nations body	Nature of the relationship
Centre for Human Rights Committee on the Rights of the Child Commission on Human Rights United Nations Children's Fund (UNICEF)	Through the activities of the Standing Interpol Committee on Offences against Minors and in our overall commitments in the field of sex-related crime (prostitution for commercial purposes, child prostitution, paedophile activities, child labour, illegal adoption, sex tourism, etc., ICPO-Interpol interacts on a regular basis with these United Nations bodies with respect to the exchange of information and attendance at each other's meetings.
European Institute for Crime Prevention and Control	ICPO-Interpol is currently collaborating on a European project on the prevention and control of the theft of and illicit trafficking in motor vehicles.
United Nations Educational, Scientific and Cultural Organization (UNESCO)	UNESCO attends meetings organized by the General Secretariat on the illicit traffic of works of art and we assist them in the organization of their regional workshops. UNESCO also receives international art notices produced by the General Secretariat.
Crime Prevention and Criminal Justice Branch of the United Nations Secretariat	The General Secretariat has observer status at the annual sessions of the Commission on Crime Prevention and Criminal Justice, which reports directly to the Economic and Social Council. The arms and explosives specialized officer recently participated in the first meeting of the United Nations project on firearms regulations, which was organized by the Crime Prevention and Criminal Justice Branch. An exchange of information on organized crime has recently been established with this body.
International Civil Aviation Organization (ICAO)	ICPO-Interpol is regularly invited to ICAO meetings, and they in turn attend our conferences on both international terrorism and fraudulent travel documents. The General Secretariat also receives from ICAO all documents relating to aviation security, and a joint training programme for trainers was established in 1993. Since the creation of the Interpol Standing Committee on Disaster Victim Identification in 1981, ICAO has been invited to attend its annual meetings.

United Nations body	Nature of the relationship
Department of Humanitarian Affairs of the United Nations Secretariat	ICPO-Interpol has regular and close cooperation with this department with respect to disaster victim identification issues.
Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (United Nations Environment Programme (UNEP))	Cooperation on the illegal traffic of hazardous waste. There has recently been an exchange of letters confirming the exchange of information and mutual observer status at relevant meetings.
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	The relationship between ICPO-Interpol and the CITES secretariat, which has existed for several years, has been formalized by an exchange of letters confirming their status as a permanent observer at relevant Interpol meetings.
International Atomic Energy Agency (IAEA)	IAEA participates as an observer in the ICPO-Interpol meetings on environmental crime and the illegal traffic in radioactive and nuclear substances. Interpol has participated in two meetings hosted by IAEA and they have recently expressed the desire to formalize our mutual cooperation.
Economic and Social Council	The relationship of ICPO-Interpol with the Economic and Social Council dates back to 1961, when the Single Convention on Narcotic Drugs was adopted. In 1971, Interpol participated in the United Nations Conference for the Adoption of a Convention on Psychotropic Substances. In 1988, Interpol participated in the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. ICPO-Interpol was recognized as a conduit through which legal/judicial inquiries could be passed. At the Conference a resolution regarding the exchange of information was passed which recommended that the widest possible use should be made by police authorities of the records and communications system of ICPO-Interpol in achieving the goals of the United Nations Convention.
International Narcotics Control Board (INCB)	On an annual basis, the General Secretariat provides the 13 members of the International Narcotics Control Board with an in-depth briefing on worldwide illicit drug trafficking and use trends. These vital data, which are collated and analysed from seizure information received at the General Secretariat from the organization's 176 member countries, become an integral part of the annual report of INCB.

United Nations body	Nature of the relationship
	The Conference on Chemical Control Operations organized by the United States Drug Enforcement Agency and INCB and hosted by Interpol in 1991 recommended that a working group be established to prepare guidelines for use by national authorities in preventing the diversion of precursors and essential chemicals. ICPO-Interpol participated in all three meetings that were subsequently convened by INCB to formulate the guidelines.
	ICPO-Interpol participated in a number of meetings on the subject of the prevention of diversion of precursors and essential chemicals, and these meetings have generally been convened in cooperation with other organizations such as the Pompidou Group (Council of Europe) and the European Commission.
Commission on Narcotic Drugs	ICPO-Interpol actively participated in the sessions of the Commission on Narcotic Drugs in an observer capacity, and a report on the worldwide illicit drug trafficking situation and trends is presented to the Commission.
ST form	In 1960, the Commission on Narcotic Drugs adopted a resolution in which it requested the Secretary-General, in consultation with ICPO-Interpol and other organizations concerned, to work out and take suitable measures to simplify, within the limits allowed by the provisions of international conventions, the communication of reports on cases of illicit traffic. In application of the resolution, the United Nations and ICPO-Interpol decided to use a standard form. This was, perhaps, the first step towards effecting coordination in the collection of drug-related information by the United Nations and ICPO-Interpol. This form, known as the ST form, is still used by ICPO-Interpol as well as by the United Nations.
United Nations International Drug Control Programme (UNDCP)	Interpol actively participates in the regional meetings of Heads of National Drug Law Enforcement Agencies and subcommission meetings, and assists in workshops and plenary sessions. UNDCP is also invited to attend the ICPO-Interpol European regional conferences in an observer capacity.
UNDCP statistical coordination project	ICPO is currently engaged in a joint project with UNDCP and the World Customs Organization to create a drug seizure statistical database. The objective is to improve the analysis of drug seizure data.

United Nations body	Nature of the relationship
Division of Narcotic Drugs/United Nations Fund for Drug Abuse Control (UNFDAC)/UNDCP	Since 1985, ICPO-Interpol has on different occasions accompanied members of UNFDAC, and later UNDCP, on fact-finding missions relative to the illicit drug trafficking situation in various geographic regions of the world (i.e. South America, the Near and Middle East and "Balkan Route" countries).
UNFDAC/UNDCP/INCB Audio Visual Drug Training Programme	Financial assistance for the second edition of this programme (1982) was provided by UNFDAC. As a result, the General Secretariat developed a training course in 1985 designed to prevent the diversion of psychotropic substances from legitimate commerce to the illicit markets. Since 1992, ICPO-Interpol has assisted INCB in the conduct of training seminars held in all regions of the world for drug control administrators.
Universal Postal Union (UPU)	Between 1988 and 1992 ICPO-Interpol has participated as lecturers in UPU training seminars on the detection of drugs concealed in postal parcels. ICPO-Interpol also participates in a biannual Conference held at Bern to discuss matters related to mail and aviation security.
World Health Organization (WHO)	Cooperation between Interpol and WHO started more than a decade ago. Assistance has been provided to the Expert Committee on Drug Dependence and the Programme Planning Working Group by way of statistical data collected via special surveys and by technical law enforcement advice. Information/ data provided was instrumental to the decision-making process of the Committees in the scheduling and/or re-scheduling of pharmaceutical drugs. Interpol also contributed in a similar manner to the Meeting on Drug Related Deaths held at Geneva in November 1993.
International Court of Justice	Interpol assists the International Court of Justice in advertising and circulating the warrants of arrest at an international level through the Automatic Search Facility and notices systems.